

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CAPELLA PHOTONICS, INC.,

Plaintiff,

v.

FUJITSU NETWORK
COMMUNICATIONS, INC.,

Defendant.

Case No. 2:20-cv-00076-JRG

JOINT MOTION TO DISMISS ACTION

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and the terms of a separate agreement, Plaintiff Capella Photonics, Inc. (“Capella”) and Defendant Fujitsu Network Communications, Inc. (“Fujitsu” and together with Capella, the “Parties”) have agreed to settle, adjust and compromise all claims in the above-captioned action. The Parties, therefore, jointly move this Court to dismiss the action with prejudice.

The Parties further move the Court to order that the Parties shall bear their own respective costs and expenses relating to this litigation (including but not limited to attorneys’ and expert fees and expenses).

A proposed Order is filed concurrently herewith.

Dated: July 13, 2021

By: /s/ Charles Everingham IV
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on this 13th day of July, 2021.

/s/ Charles Everingham IV
Charles Everingham IV

CERTIFICATE OF CONFERENCE

I hereby certify that Plaintiff and Defendant have complied with the meet and confer requirements set forth in Local Rule CV-7(h), and this motion is a joint motion.

/s/ Charles Everingham IV
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